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Attorney for Plaintiff
SAMUEL KWESI DADJO

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SAMUEL KWESI DADJO,

Plaintiff,

v.

ENCORE RECEIVABLE MANAGEMENT,
INC., a Kansas corporation,

Defendant.

Case No. C07-05856-SC

**NOTICE OF SERVICE OF
SUBPOENA ON SPRINT
COMMUNICATIONS COMPANY,
L.P.**

[Fed. R. Civ. P. 45]

COMES NOW the Plaintiff, SAMUEL KWESI DADJO, by and through his attorney, Fred W. Schwinn of the Consumer Law Center, Inc., and hereby notifies the Court and all other interested parties that on the 21st day of February, 2008, Plaintiff served the attached Subpoena in a Civil Case by Certified Mail, Return Receipt Requested, addressed to the following:

Attn: Subpoena Department
Sprint Communications Company, L.P.
6500 Sprint Parkway
Overland Park, KS 66251

Dated: February 21, 2008

By: /s/ Fred W. Schwinn
Fred W. Schwinn, Esq.
Attorney for Plaintiff
SAMUEL KWESI DADJO

Issued by the
UNITED STATES DISTRICT COURT

DISTRICT OF

KANSAS

SAMUEL KWESI DADJO

SUBPOENA IN A CIVIL CASE

V.

ENCORE RECIVABLE MANAGEMENT, INC.

Case Number:¹ C07-05856-SC (N.D. Cal.)

TO: Sprint Communications Company, L.P.
 6500 Sprint Parkway
 Overland Park, KS 66251

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

- ☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See attached list of documents to be produced.

PLACE

Consumer Law Center, Inc.
 12 South First Street, Suite 1014, San Jose, CA 95113-2418

DATE AND TIME

3/21/2008 1:00 pm

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

9/27/2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Fred W. Schwinn, Consumer Law Center, Inc., 12 South First Street, Suite 1014, San Jose CA 95113-2418
 Telephone No. (408) 294-6100 x111

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

DATE

PLACE

SERVED

2/21/2008

6500 Sprint Parkway
Overland Park, KS 66251

SERVED ON (PRINT NAME)

MANNER OF SERVICE

Sprint Communications Company, L.P.

Certified Mail
Return Receipt Requested

SERVED BY (PRINT NAME)

TITLE

Fred W. Schwinn

Attorney for Plaintiff

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

2/21/2008

DATE



SIGNATURE OF SERVER

12 South First Street, Suite 1014

ADDRESS OF SERVER

San Jose CA 95113-2418

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the mmmdemanding party to contest the claim.

DOCUMENTS TO BE PRODUCED

1. Sprint long distance calling records of all telephone calls initiated through Sprint local and long distance service accounts by Encore Receivable Management, Inc., located at 400 North Rogers Road, Olathe, Kansas 66062-1212, to telephone number (510) 690-0116, between and including the dates of January 1, 2007 and June 30, 2007. This request covers any Sprint accounts which may have been used to place calls to the above referenced telephone number(s) during the subject time period. Specifically, this request seeks from third-party Sprint the date, time, duration, originating telephone number, and physical origin of each such telephone call.

The requirements of this Subpoena may be satisfied entirely by the production of copies of the above requested records, along with a sworn declaration of the custodian of these records, indicating the authenticity and accuracy of the records so provided, and that these are the records kept in the normal course of business, to the following address not later than 5:00 p.m. PDT on March 17, 2008.

Fred W. Schwinn
Consumer Law Center, Inc.
12 South First Street, Suite 1014
San Jose, CA 95113-2418